

1 AUG 05 2002

Atty Docket: PEDERSON

In re Application of:  
Mortenson, et al.  
Serial No. 10/2002, 883  
Filing Date: January 24, 2002  
For: ASSAY AND KIT FOR ANALYZING GENE EXPRESSION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application Division  
ATTN: BOX MISSING PARTS  
Washington, D.C.  
Confirmation No.  
August 5, 2002

710 MP/B  
030 Box 500  
#5

LATE SUBMISSION OF FILING FEE AND/OR DECLARATION  
FILED UNDER 37 CFR 1.53(b)

HON. COMMISSIONER OF PATENTS  
Washington, D.C. 20231  
Sir:

The present communication is in response to the "NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION..." dated, 2002.

[XX] Attached hereto is an executed oath or declaration in compliance with 37 C.F.R. 1.63, identifying the present application by title, filing date, serial number and priority information.

[XX] Response to Notice to Comply with Sequence Listing Requirements in accordance with 37 C.F.R. 1.821-1.825, Sequence Listing (hardcopy), and computer-readable form of Sequence Listing.

[XX] Applicant claims small entity status. See 37 CFR 1.27.

[ ] A Communication.

[XX] Preliminary Amendment.

[ ] A certified copy of priority document no. \_\_\_\_\_, filed \_\_\_\_\_, is also attached. Priority is claimed.

[ ] An Information Disclosure Statement with 08A-1449 and \_\_\_\_\_ references is also attached.

The following fee is calculated below:

	(Col. 1)	(Col. 2)	SMALL ENTITY		OTHER THAN SMALL ENTITY	
FOR:	NO. FILED	NO. EXTRA	RATE	FEE	OR	RATE
BASIC FEE				\$ 370.00	OR	FEE
TOTAL CLAIMS	105-20	85	X 9=	\$ 765.00		\$740.00
INDEP. CLAIMS	4-3	1	X 42=	\$ 42.00		\$
[ ] MULTIPLE DEPENDENT CLAIMS PRESENTED			+ 135=	\$		\$
If the difference in Col. 1 is less than 0, enter "0" in Col. 2				TOTAL		TOTAL
				\$1,177.00		\$

[ ] Surcharge for late filing of English translation \$ 130.00

[XX] Late filing of Declaration surcharge in the amount of:  
Small Entity [XX] \$65.00 Other than Small Entity [ ] \$130.00

[XX] It is hereby petitioned for an extension of time in accordance with 37 C.F.R. 1.136(a). The appropriate fee required by 37 C.F.R. 1.17 is calculated as shown below:

Small Entity  
Response Filed Within  
[ ] First - \$ 55.00  
[XX] Second - \$ 200.00  
[ ] Third - \$ 460.00  
[ ] Fourth - \$ 720.00  
Month After Time Period Set

Other Than Small Entity  
Response Filed Within  
[ ] First - \$ 110.00  
[ ] Second - \$ 400.00  
[ ] Third - \$ 920.00  
[ ] Fourth - \$1,440.00  
Month After Time Period Set

[XX] Conditional Petition for Extension of Time:  
If any extension of time for a response is required, applicant requests that this be considered a petition therefor.

[ ] Check No. \_\_\_\_\_ in the amount of \$ \_\_\_\_\_ is enclosed to cover the above fees.

[XX] Credit Card Payment Form, PTO-2038, authorizing payment in the amount of \$1,442.00 is enclosed to cover the fees.

[XX] The Commissioner is hereby authorized and requested to charge any additional fees which may be required in connection with this application or credit any overpayment to Deposit Account No. 02-4035. This authorization and request is not limited to payment of all fees associated with this communication, including any Extension of Time fee, not covered by check or specific authorization, but is also intended to include all fees for the presentation of extra claims under 37 CFR 1.16 and all patent processing fees under 37 CFR 1.17 throughout the prosecution of the case. This blanket authorization does not include patent issue fees under 37 CFR 1.18.

08/07/2002 MGBREM1 00000074 10053883

06 FC:216

200.00 OP

BROWDY AND NEIMARK, P.L.L.C.  
Attorneys for Applicant(s)

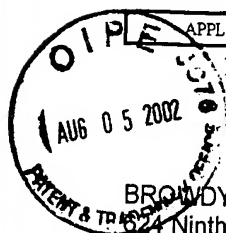
By: \_\_\_\_\_  
Over P. Cooper  
Registration No. 28,005

IPC:sfg

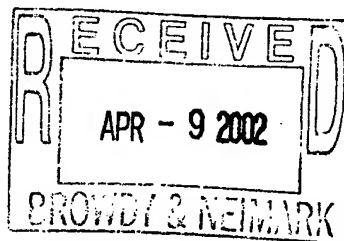


## UNITED STATES PATENT AND TRADEMARK OFFICE

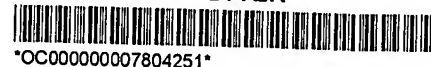
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624 Ninth Street, N.W.  
Washington, DC 20001



CONFIRMATION NO. 5403  
FORMALITIES LETTER



\*OC00000007804251\*

Date Mailed: 04/05/2002

Adjustment date: 10/11/2002 NPRASASO  
08/07/2002 MGBREMI 00000074 10053883  
04 FC:204 140.00-OP

## NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION

08/07/2002 MGBREMI 00000074 10053883

01 FC:201	370.00 OP
02 FC:202	42.00 OP
03 FC:203	621.00 OP
04 FC:204	140.00 OP
05 FC:205	65.00 OP

FILED UNDER 37 CFR 1.53(b)

Filing Date Granted

DOCKETED

MSF + SEQ 5 JE 2002

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given **TWO MONTHS** from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- The statutory basic filing fee is missing.  
*Applicant must submit \$ 370 to complete the basic filing fee for a small entity.*

- Total additional claim fee(s) for this application is \$848.

- \$666 for 74 total claims over 20.

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- \$42 for 1 independent claims over 3.

01 FC:203

99.00 OP

- \$140 for multiple dependent claim surcharge.

- The oath or declaration is missing.

- A properly signed oath or declaration in compliance with 37 CFR 1.63, identifying the application by the above Application Number and Filing Date, is required.*

- To avoid abandonment, a late filing fee or oath or declaration surcharge as set forth in 37 CFR 1.16(l) of \$65 for a small entity in compliance with 37 CFR 1.27, must be submitted with the missing items identified in this letter.

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- The balance due by applicant is \$ 1283.

01 FC:203

4.00 CH

41.00 OP

- This application does not contain a statement that the content of the sequence listing information recorded in computer readable form is identical to the written (on paper or compact disc) sequence listing and, where applicable, includes no new matter, as required by 37 CFR 1.821(e), 1.821(f), 1.821(g), 1.825(b), or 1.825(d). Applicant must provide such statement. If the effective filing date is on or after September 8, 2000, see the final rulemaking notice published in the Federal Register at 65 FR 54604 (September 8, 2000) and 1238 OG 145 (September 19, 2000).

- A copy of the "Sequence Listing" in computer readable form has not been submitted as required by 37 C.F.R. 1.821(e). If the effective filing date is on or after September 8, 2000, see the final rulemaking notice published in the Federal Register at 65 FR 54604 (September 8, 2000) and 1238 OG 145 (September 19, 2000). Applicant must provide an initial computer readable form (CRF) copy of the "Sequence Listing" and a statement that the content of the sequence listing information recorded in computer readable form is identical to the written (on paper or compact disc) sequence listing and, where applicable, includes no new matter, as required by 37 CFR 1.821(e), 1.821(f), 1.821(g), 1.825(b), or 1.825(d). If applicant desires the

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01 FC:203 45.00 CH

Adjustment date: 10/11/2002 NPRASASO  
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sequence listing in the instant application to be identical with that of another application on file in the U.S. Patent and Trademark Office, such request in accordance with 37 CFR 1.821(e) may be submitted in lieu of a new CRF.

For questions regarding compliance to these requirements, please contact:

- For Rules Interpretation, call (703) 308-4216
- To Purchase PatentIn Software, call (703) 306-2600
- For PatentIn Software Program Help, call (703) 306-4119 or e-mail at [patin21help@uspto.gov](mailto:patin21help@uspto.gov) or [patin3help@uspto.gov](mailto:patin3help@uspto.gov)

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*A copy of this notice MUST be returned with the reply.*



Customer Service Center  
Initial Patent Examination Division (703) 308-1202

PART 1 - ATTORNEY/APPLICANT COPY